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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/585,515 | 06/01/2000 | Donald Bruce Moote | AE057(VAL-441-A) | 4884 |

7590 04/08/2003

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EXAMINER

GRAHAM, GARY K

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1744 | 7 |

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|--|---------------------------|---------------------|
| Offic Action Summary | Applicati n No. | Applicant(s) |
| | 09/585,515 | MOOTE, DONALD BRUCE |
| | Examiner Gary K Graham | Art Unit 1744 |
| <i>-- Th MAILING DATE of this communication appears on the cover sh t with th correspondence address --</i> | | |
| Period for Reply | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | |
| <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | |
| Status | | |
| 1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>17 January 2003</u> . | | |
| 2a) <input type="checkbox"/> This action is FINAL . 2b) <input checked="" type="checkbox"/> This action is non-final. | | |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | |
| Disposition of Claims | | |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are pending in the application. | | |
| 4a) Of the above claim(s) <u>3,11 and 18</u> is/are withdrawn from consideration. | | |
| 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. | | |
| 6) <input checked="" type="checkbox"/> Claim(s) <u>1,4-9, 12, 14-16 and 19</u> is/are rejected. | | |
| 7) <input checked="" type="checkbox"/> Claim(s) <u>2, 10, 13, 17 and 20</u> is/are objected to. | | |
| 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement. | | |
| Application Papers | | |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner. | | |
| 10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>17 January 2003</u> is/are: a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | |
| 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. | | |
| If approved, corrected drawings are required in reply to this Office action. | | |
| 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | |
| 13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | |
| a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: | | |
| 1. <input type="checkbox"/> Certified copies of the priority documents have been received. | | |
| 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. | | |
| 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | |
| 14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). | | |
| a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. | | |
| 15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | | |
| Attachment(s) | | |
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | | |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | | |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | | |
| 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ | | |
| 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) | | |
| 6) <input type="checkbox"/> Other: _____ | | |

DETAILED ACTION***Election/Restrictions***

Applicant's election of the figures 1-6 species in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 defines the fixed axis as being spaced from the wiper shafts, however, the shafts do not appear to be part of the "drive" as set forth in claim 1. Claim 1 sets forth that the drive is "for" imparting oscillation to a pair of spaced shafts. To now claim that the axis is spaced from the shafts leads to confusion as to exactly what is being claimed. The claim as been treated as

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though it is only the drive as set forth in claim 1. The claims could be amended to positively claim the shafts with the drive as a combination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9, 12, 14-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by GB patent '501.

The GB patent discloses the invention as is claimed. Note figure 3 wherein a wiper drive is shown as is claimed. Note drive link (11') having three connection points along its length. The drive link is coupled to an idler pivot link (15) which has three crank arms extending radially thereabout. First, second and third links (16,17',18') are coupled with the idler link and the second and third links (17',18') are crossed with respect to one another.

With respect to claim 6, the relationship of components shown in figure 3 will lead to lower acceleration of the wiper shafts proximal the reversal position than intermediate the reversal position and park position. It appears that, based on the arrangement of linkage shown, the highest acceleration will be intermediate the end positions of the wiper shafts.

With respect to claim 14, the idler pivot links of the GB patent will impart a dwell to at least one of the wiper shafts in proximity to the park position. The purpose of the arrangement of links is to reduce the acceleration of the wiper shafts or at least one of the wiper shafts adjacent the park position such that they do not interfere with each other during activation.

Allowable Subject Matter

Claims 2, 10, 13, 17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 703-308-1270. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 703-308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Gary K. Graham
Primary Examiner
Art Unit 1744

GKG
April 6, 2003